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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,215	10/05/1999	MARK VAYDA	021506.0116	2611

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HUNTON & WILLIAMS
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

SHANKAR, VIJAY

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 07/21/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.
09/202,215

Applicant(s)
Vayda et al

Examiner
VIJAY SHANKAR

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2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment C filed on 5-13-03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-121 is/are pending in the application.
- 4a) Of the above, claim(s) 1-92 and 103 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 93-102 and 104-121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11 6) ☐ Other:

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 U.S.C. § 103

2. *The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. *Claims 93-102, 104, and 105- 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Marks et al (5,699,082).*

Regarding Claim 93, Reeves discloses an input device (20) for generating signals that represent input requests by a user, the device comprising a base portion (28) having a top surface (FIG.1; col.4, lines 1-65); four primary keys disposed on the top surface (fig.1, summary; col.1, lines 5-47) ; at least one

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position -responsive input value selector that is responsive to a position of the top surface within a substantially horizontal plane (fig.1, summary; col.1, lines 5-47; col.4, lines 1-65); and a signal generator (microprocessor) operatively connected to the primary keys and the position -responsive selector generating a first signal indicating a user input value selection and a second signal indicating user data input request (30,32) (See fig.1; summary; Col.1, lines 5-47;col.4, lines 1-65). However, Reeves does not teach an input selection mechanism for permitting a user to operate the input device in a character selection mode or a cursor movement mode.

Marks et al teaches an input selection mechanism for permitting a user to operate the input device (22, 24 in fig.1) in a character selection mode or a cursor movement mode (figs.1-2; summary; Column 3, line 45- col.5, line 21).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Marks et al into Reeves so characters on the display could be selected by a user.

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Regarding Claim 94, Reeves discloses the input device wherein the primary keys are disposed on the top surface such that each finger of a user's hand rests on a primary key (30,32) (fig.1, col.1, lines 5-47).

Regarding Claim 95, Reeves discloses input device wherein the primary keys are actuated without removing the finger from the primary key (30,32) (fig.1, col.1, lines 5-47).

Regarding Claim 96, Reeves discloses the input device further comprising a thumb key (fig.1, col.1, lines 5-47).

Regarding Claim 97, Reeves discloses the input device wherein the position-responsive input value selector is responsive to changes in position along an Y-and /or Z-axis relative to a home state (fig.1, col.1, lines 5-54).

Regarding Claim 98, Reeves discloses the input device wherein the base portion comprises a stationary bottom portion and a movable upper portion and the changes in position are of the upper portion relative to the stationary bottom portion (fig.1, col.1, lines 5-47).

Regarding Claim 99, Reeves discloses the input device further comprising a second input device adapted for the other hand of the user (fig.1, col.1, lines 5-47).

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Regarding Claim 100, Reeves discloses the input device wherein the base portion is movable on the surface upon which it is placed and the changes in position are of the entire base portion relative to its position prior to moving (fig.1, col.1, lines 5-47).

Regarding Claim 101, Marks et al teaches the input device wherein the input value selector is a mouse mechanism (24 in fig.1).

Regarding Claim 102, Reeves discloses the input device wherein the selector is a joystick mechanism (fig.1, col.1, lines 5-47).

Regarding Claim 104, Marks et al discloses the input device further comprising means for navigating between multiple blocks of selective input values, wherein each block has at least three sets of values for each input key (figs.1-2; summary; Column 3, line 45- col.5, line 21).

Regarding Claim 105, Reeves discloses an input device (20) for generating signals that represent input requests by a user, the device comprising a base portion (28) having a top surface (fig.1; col.4, lines 1-65); four primary keys disposed on the top surface; wherein the four primary keys are located in a substantially horizontal plane (fig.1, summary; col.1, lines 5-47; col.4, lines 1-65) ; at least one position -responsive input value selector that is responsive to a position of the top surface within a substantially horizontal plane

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(fig.1, summary; col.1, lines 5-47; col.4, lines 1-65); and a signal generator (microprocessor) operatively connected to the primary keys and the position - responsive selector generating a first signal indicating a user input value selection and a second signal indicating user data input request (30,32) (See summary; fig.1; Col.1, lines 5-47;col.4, lines 1-65).

Regarding Claim 106, Reeves discloses the input device wherein the top surface is configured to permit a user's hand to be positioned on the top surface such that the user's palm surface is substantially parallel to the top surface(Fig.1; col.4; lines 3-68).

Regarding claim 107, Reeves discloses the input device further comprising a rotational mechanism which permits a user to rotate the control portion with respect to the base portion, wherein the signal generator is operatively connected to the rotational mechanism and generates a signal indicating rotational position of the control portion with respect to the base portion (Fig.1-2; Abstract; summary; Col.1, lines 5-47; col.4; lines 17-28).

Regarding Claim 108, Reeves discloses the input device further comprising a thumb key (fig.1, col.1, lines 5-47).

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Regarding Claim 109, Reeves discloses the input device (20) wherein one of the four primary keys (fig.1, col.1, lines 5-47) and a thumb key is provided for each digit of a hand (30, 32) (See Fig.1; col.4; lines 1-35).

Regarding Claim 110, Reeves discloses the input device wherein the position-responsive input value selector is responsive to changes in position along an Y-and /or Z-axis relative to a home state (fig.1, col.1, lines 5-54).

Regarding Claim 111, Reeves discloses the input device wherein the base portion comprises a stationary bottom portion and a movable upper portion and the changes in position are of the upper portion relative to the stationary bottom portion (fig.1, col.1, lines 5-47).

Regarding Claim 112, Reeves discloses the input device further comprising a second input device adapted for the other hand of the user (fig.1, col.1, lines 5-47).

Regarding Claim 113, Reeves discloses the input device wherein the base portion is movable on the surface upon which it is placed and the changes in position are of the entire base portion relative to its position prior to moving (fig.1, col.1, lines 5-47).

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Regarding Claims 114,115, Reeves discloses the input device wherein an input selection mechanism for permitting a user to operate the input device in a character selection mode or a cursor movement mode (summary; fig.1; Col.1, lines 5-47;col.4, lines 1-65); and multiple blocks of selective input values, wherein each block has three sets of values for each input key (summary; fig.1; Col.1, lines 5-47;col.4, lines 1-65).

Regarding Claim 116 ; Reeves discloses a computer system (12 in fig.1) comprising an input device (20 in Fig.1) comprising a base portion (28 in Fig.1) having a top surface (22 in Fig.1); four primary keys disposed on the top surface (fig.1, summary; col.1, lines 5-47; col.4, lines 1-65); at least one position -responsive input value selector that is responsive to a position of the top surface within a substantially horizontal plane (fig.1, summary; col.1, lines 5-47; col.4, lines 1-65); and a signal generator (microprocessor) operatively connected to the primary keys and the position-responsive selector generating a first signal indicating a user input value selection and a second signal indicating user data input request (30,32) (See summary; fig.1;col.4, lines 1-65); and a processor operatively connected to the signal generator for receiving and processing the first and second signals (See fig.1; col.4, lines 1-65); and a

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display operatively connected to the processor (14 in fig.1). However, Reeves fails to disclose the computer system further comprising a character selection graphic displayed on the display, the character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function; wherein the character selection icons are selected by moving or positioning the control portion relative to the base portion and selectively engaging one of the plurality of inputs.

However, Marks et al disclose the computer system further comprising a character selection graphic displayed on the display (16 in fig.1), the character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function (figs.1-2; summary; Column 3, line 45- col.5, line 21); wherein the character selection icons are selected by moving or positioning the control portion relative to the base portion and selectively engaging one of the plurality of inputs (figs.1-2; summary; Column 3, line 45- col.5, line 21).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching

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of Marks et al into Reeves so characters on the display could be selected by a user.

Regarding Claim 117, Marks et al disclose the computer system wherein the character selection graphic comprises a plurality of groupings of character selection icons, each grouping of character selection icons comprising a plurality of rows of character selection icons (figs.1-2; Column 3, line 45- col.5, line 21).

Regarding Claim 118, Marks et al disclose the computer system wherein each primary key on the top surface corresponds to a character selection icon in the row of character selection icons (see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Regarding Claim 119, Marks et al discloses the input device further comprising an input selection mechanism for permitting a user to operate the input device in a character selection mode or a cursor movement mode (see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Regarding Claim 120, Reeves teaches that the four primary keys are located in a substantially horizontal plane (fig.1, summary; col.1, lines 5-47; col.4, lines 1-65)

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Regarding Claim 121, Reeves discloses the input device further comprising a second input device adapted for the other hand of the user (fig.1, col.1, lines 5-47).

4. Applicant's arguments with respect to Claims 93-102 and 104-121 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN
RESPONSE TO THIS FINAL OFFICE ACTION SHOULD BE DIRECTED TO:

Commissioner of Patent and Trademarks

BOX AF

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Washington D.C. 20231

By following this practice it has been found that processing time of the response is reduced, thereby resulting in fewer potential requests for extension of time by applicant.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703) 305-4763 .The examiner can be reached on Monday through Friday from 9:00 am to 6:30 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala , can be reached on (703)-305-4938.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

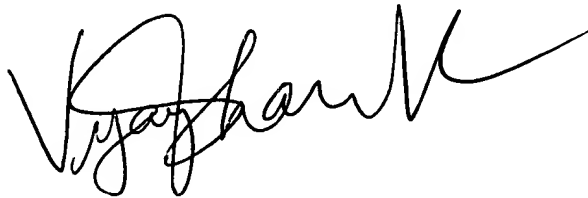
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).



**VIJAY SHANKAR
PRIMARY EXAMINER
GROUP ART UNIT 2673**